

**TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations**

**(Continuation of Notice Register 2004, No. 28-Z, and
Meetings of June 24, 2004 and August 6, 2004)**

(Note: The Commission is exercising its powers under sections 202 and 355 of the Fish and Game Code as the following changes [shown in bold type in the Updated Informative Digest] to the proposed regulations may not be available to the public for the full public comment period prior to adoption.)

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 202 and 355, of the Fish and Game Code, and to implement, interpret or make specific Sections 202, 355 and 356, of said Code, proposes to amend Section 502, Title 14, Waterfowl, Migratory; American Coot; and Common Moorhen (Common Gallinule).

Updated Informative Digest/Policy Statement Overview

Current regulations in Section 502, Title 14, California Code of Regulations (CCR), provide definitions, hunting zone descriptions, season opening and closing dates, and daily bag and possession limits. In addition to the ~~eight~~ proposals contained herein, the U.S. Fish and Wildlife Service (Service), through the analysis of waterfowl population survey and other data, may also initiate changes in federal regulations which will require changes in existing and proposed State regulations. Changes in federal regulations for season opening and closing dates, modifying zone boundaries, elimination or creation of special management areas, season length, and daily bag limits for migratory birds may occur. ~~All~~ **Some** proposed changes (**numbers 1, and 9 through 12**) to State regulations (~~excluding proposal 2~~) require changes in the federal regulations and also must be approved by the Pacific Flyway Council at their meeting on July 23, 2004. ~~Proposal 2 is consistent with federal regulations as they are currently understood.~~ The Service will consider these and other recommendations at their meeting on July 29, 2004. The Department is anticipating that the Service will follow the pintail interim harvest strategy which allows a 1 bird daily bag limit throughout the general duck season and that the Service will also allow a 60 day canvasback season. Also, minor editorial changes were made to clarify and simplify the regulations and to comply with existing federal frameworks. **At the time of the Initial Statement of Reasons, the 2004 California Breeding Pair Survey was not completed and the results were unavailable. The results are now available which cause the Department to modify the original proposal because local duck populations are down 23 percent from last year and 31 percent below the long-term average. Also, based on information from the Service, only a 60-day partial pintail season, or a “season within a season” will be allowed. In addition, alternative modifications, provided by the public, are included that are expected to result in similar biological responses by the harvested populations.**

1. ~~Modify the existing boundary in the Northeastern Zone to include Shasta Valley in the Northeastern Zone.~~

The proposed change retracts the Northeastern Zone boundary modification proposal. The Service decided that the boundary modification did not meet their criteria for a “minor” change. Instead, the Service will not consider the boundary modification until the “open season” scheduled for 2005. Under Service rules, this proposal can not be adopted until 2006.

2. ~~Modify the duck season in the Northeastern Zone from a 105 day split (2 segments) season to a 105 day continuous season.~~

The original proposal recommended a 105-day continuous duck season and a 100-day continuous goose season. The proposed modification provides two alternatives:

1) A continuous 86-day general duck season from the second Saturday in October; a pintail season from the second Saturday in October extending for 60 days and a canvasback season from the first Thursday in November extending for 60 days; goose season would be unchanged from the original recommendation; or
 2) A split 93-day general duck season from second Saturday in October extending for 60 days and from the third Wednesday in December extending for 33 days, with a pintail season from the second Saturday in October extending for 60 days and a split 60-day canvasback season from the last Saturday in October extending for 39 days and from the last Monday in December extending for 21 days. Goose season in this alternative is a split 100-day season from the second Saturday in October extending for 53 days and from the second Wednesday in December extending for 47 days.

3. ~~Increase the Southern San Joaquin Valley and Balance of State Zone duck season length from 99 days (split) to a 100-day continuous season opening on the fourth Saturday in October.~~

The original proposal recommended a 100-day continuous duck season and a 100-day continuous goose season in the Southern San Joaquin Valley Zone. The proposed modification provides two alternatives:

1) A split 86-day general duck season from the third Saturday in October extending for a period of 14 days and from the third Saturday in November extending for a period of 72 days; a split 60-day pintail season from the third Saturday in October extending for a period of 7 days and from the second Thursday in December extending for a period of 53 days; a continuous canvasback season from the first Thursday in December extending for 60 days; goose season is unchanged in this alternative; or
 2) A split 94-day general duck season from the third Saturday in October extending for 22 days and from the third Saturday in November extending for 72 days; a split 60-day pintail season from the third Saturday in October extending for a period of 9 days and from the second Saturday in December extending for a period of 51 days; a continuous canvasback season from the first Thursday in December extending for 60 days; and a continuous 93-day goose season from the last Saturday in October.

4. ~~Increase the 60-day partial pintail season to a 100-day (full season) in all zones.~~

4. The original proposal recommended a continuous 100-day duck season and a continuous 100-day goose season in the Southern California Zone. The proposed modification provides 3 alternatives:

1) a 86-day continuous duck season from the first Saturday in November; a continuous pintail season from the first Thursday in December extending for 60 days; no change in the originally proposed goose season;
 2) a 93-day continuous duck season from the last Saturday in October; 60-day continuous pintail and canvasback seasons from the first Thursday in December; and 93-day continuous goose season from the last Saturday in October; or
 3) a 100-day continuous duck season from the fourth Saturday in October; a split 60-day pintail season from the fourth Saturday in October extending for 9 days and from the second Saturday in December extending for 51 days; a 100-day continuous goose season from the fourth Saturday in October.

5. The proposed modification for the Colorado River Zone is as follows: The pintail season will be from the first Thursday in December extending for 60 days.

6. The original proposal recommended a 100-day continuous duck season and a 100-day continuous goose season in the Balance of State Zone. The proposed modification provides two alternatives:
1) an 86-day split duck season from the fourth Saturday in October extending for a period of 14 days and from the third Saturday in November extending for a period of 72 days; a 60-day split pintail season from the fourth Saturday in October extending for a period 14 days and from the third Thursday in December extending for a period of 46 days; a 60-day continuous canvasback season from the first Thursday in December extending for 60 days; goose season is unchanged from the original proposal in this alternative;
2) a 93-day continuous duck season from the last Saturday in October; a 60-day split pintail season from the last Saturday in October extending for 9 days and from the second Saturday in December extending for 51 days; a 60-day continuous canvasback season from the first Thursday in December extending for 60 days; a continuous 93-day goose season from the last Saturday in October.
7. The original proposal recommended a daily bag limit of 7 mallards. The proposed modification is to provide two alternative daily bag limits for mallards: either
1) a daily bag limit of 5 mallards with 2 hens in 86-day seasons except the Colorado River Zone where federal regulations require that California's hunting regulations conform to those of Arizona, or 2) a daily bag limit of 5 mallards with 1 hen in 93- or 94-day seasons except the Colorado River Zone where federal regulations require that California's hunting regulations conform to those of Arizona.
8. The proposed change for pintail establishes a partial season, also known as a "season within a season" for pintail with a season length of 60 days (which may be split) in all zones. Based on information from the Service, only a 60-day partial pintail season, or a "season within a season" will be allowed.
59. Lengthen the goose season from 86 to **either 93 or 100** days in the Southern San Joaquin Valley and Balance of State Zones.
610. Increase the dark goose daily bag limit from 2 to 3 in the Southern San Joaquin Valley and Balance of State Zones.
711. Increase the season length from 16 to **either 93 or 100** days for Canada geese in the North Coast Special Management Area.
812. Increase the Small Canada goose daily bag limit from 1 to 2 but maintain the daily bag limit of 1 Large Canada geese in the North Coast Special Management Area.
13. **The proposed modification for falconry season in the Southern California Zone will open concurrently with goose season extending for 107 days.**

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Veterans Memorial Building, 209 Surf Street, Morro Bay, California on August 27, 2004, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before August 22, 2004, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than August 27, 2004 at the hearing in Morro Bay, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Robert R. Treanor,

Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to Robert R. Treanor or Jon D. Snellstrom at the preceding address or phone number. John Carlson, Department of Fish and Game, phone (916) 445-3555, has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Also, the Initial Statement of Reasons, as well as the notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.dfg.ca.gov/fg_comm/.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Sections 202 and 355 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed regulations are intended to provide additional recreational opportunity to the public. The response is expected to be minor in nature.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None

- (c) Cost Impacts on a Representative Private Person or Business:

A private person or business will incur minor to moderate costs by being in compliance with the proposed action. Currently, a Junior Trapping License costs \$26.25, a Resident Trapping License costs \$78.50, and a Nonresident Trapping License costs \$394.75. These prices would not change under the Department's proposal.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None

- (e) Nondiscretionary Costs/Savings to Local Agencies:
None
- (f) Programs mandated on Local Agencies or School Districts:
None
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:
None
- (h) Effect on Housing Costs:
None

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Dated: August 10, 2004

Robert R. Treanor
Executive Director